

HONORABLE BENJAMIN H. SETTLE

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

HP TUNERS, LLC, a Nevada limited liability
company,

Plaintiff,

vs.

KEVIN SYKES-BONNETT and SYKED
ECU TUNING INCORPORATED, a
Washington corporation,

Defendants.

NO. 3:17-cv-05760-BHS

**JOINT AGREED MOTION TO MODIFY
THE EXPERT WITNESS DISCLOSURE
DATE AND THE REBUTTAL EXPERT
DISCLOSURE DATE**

NOTING DATE: OCTOBER 18, 2018

NOW COMES Plaintiff HP Tuners, LLC (“HPT”) and Defendants Kevin Sykes-Bonnet, Syked ECU Tuning Incorporated and John Martinson (“Defendants”) (collectively, the “Parties”) and hereby jointly move this Court to modify the Expert Witness Disclosure date and the Rebuttal Expert Disclosure date entered in this case. In support thereof, the Parties state as follows:

1. At the recent hearing on the Parties’ respective motions for temporary restraining order, the Court agreed to modify the Scheduling Order and instructed the parties to submit a Proposed Order setting forth a new agreed upon Scheduling Order.

2. In connection with the respective forms of the order submitted by Plaintiff and Defendants, the Parties agreed and proposed an Expert Witness Disclosure Date of December 23,

2018 and a Rebuttal Expert Witness Disclosure date of January 23, 2019. The proposed dates agreed upon by the Parties for the expert disclosures was based, in part, on the fact that neither side's expert has been provided with source code of the other party for analysis.

3. However, in the Scheduling Order dated September 18, 2018, the Court set an Expert Disclosure date of October 22, 2018 and a Rebuttal Expert Disclosure date of November 21, 2018.

4. The Parties hereby jointly move for an extension of these deadlines.

5. Currently, the Parties are working on an Addendum to the Stipulated Protective Order to govern the disclosure of source code to the other parties' expert witness(es).

6. The Parties are working to finalize the Addendum to the Stipulated Protective Order in order to allow source code of each party to be examined by the opposing party's expert witness(es).

7. To date, as noted above, neither side's expert has been provided with access to source code of the opposing party.

8. Discovery in this matter does not close until December 31, 2018.

9. An extension of the expert disclosure and rebuttal expert disclosure dates is in the interest of all Parties to allow the Addendum to the Stipulated Protective Order to be finalized and entered and to allow the merits of the issues raised in this matter to be fully and fairly litigated by all Parties.

10. The Parties wish to modify the expert disclosure schedule as follows:

CURRENT DEADLINE

PROPOSED DEADLINE

**Disclosure of Expert Testimony
under FRCP 26(a)(2) by October 22, 2018**

November 26, 2018

**Disclosure of Rebuttal Expert Testimony
under FRCP 26(a)(2) by November 21, 2018**

December 28, 2018

1 11. Furthermore, the Parties request for the entry of a deadline of January 15, 2019 to
2 conduct expert depositions.

3 12. These changes will not affect the currently scheduled trial date.

4 13. There is no prejudice to any party in connection with this request. The Parties
5 agree that the modification to these deadlines is necessary and appropriate, and the motion is not
6 being sought for improper purposes or purposes of delay.

7 WHEREFORE, Plaintiff and Defendants respectfully pray for an order extending the
8 deadline for the disclosure of Expert Testimony under FRCP 26(a)(2) to November 26, 2018 and
9 for the disclosure of Rebuttal Expert Testimony under FRCP 26(a)(2) to December 28, 2018, and
10 for such other and further relief as this Court deems necessary and appropriate.

11 Dated: October 18, 2018

Respectfully Submitted:

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13 HP Tuners, LLC

Attorneys for Defendants
Kevin Sykes-Bonnett,
Syked ECU Tuning Incorporated and
John Martinson

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CERTIFICATE OF SERVICE

I hereby certify that on October 18, 2018, I caused the foregoing to be electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all Counsel of Record.

s/ Andrew P. Bleiman

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